

## REMARKS

Claims 1-35 are pending in the application. It is gratefully acknowledged that the Examiner has still found allowable subject matter in Claims 24 and 25. The Examiner has rejected Claims 1, 2, 4, 8-11, 16-19, 26-29, 34 and 35 under 35 U.S.C. § 102(a) as being anticipated by the 3<sup>rd</sup> Generation Partnership Project 2, C.S0005-0 Version 1.0 (3GPP2). Additionally, the Examiner has rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over the 3GPP2 in view of *Davis et al.* (U.S. 4,612,637), Claims 5, 7, 12, 14, 20, 22, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over the 3GPP2 in view of *Herring* (U.S. 6,011,806), Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the 3GPP2 in view of *Davis*, and further in view of *Herring*, and Claims 13, 15, 21, 23, 31 and 33 under 35 U.S.C. § 103(a) as being unpatentable over the 3GPP2 in view of *Herring*, and further in view of *Davis*.

With regard to the rejection of independent Claims 1, 9, 17 and 27, these claims have been amended to include the recitation of “*without receiving the channel assignment request message from the mobile station*” (Claim 1), and “*without the base station receiving a channel assignment request message*” (Claims 9, 17 and 27).

Additionally, Claims 1, 9, 17 and 27 have been amended to recite that the sequence number is used to identify two or more channel assignment messages.

As recited in the pending claims, the purpose of “a sequence number” is for identifying a plurality of supplemental channel assignment messages transmitted from a base station, which is different from the process defined by 3GPP2.

The 3GPP2 teaches that a base station identifies a sequence number that includes a supplemental channel assignment request message of a reverse channel transmitted from a mobile station and the base station sends the mobile station a supplemental channel assignment response message including the same value as the sequence number of the supplemental channel assignment request message transmitted from the mobile station to the base station.

3GPP2 does not teach or disclose at least either of the two new elements of amended Claims 1, 9, 17 and 27.

Based on at least the foregoing withdrawal of the rejections of independent Claims 1, 9, 17 and 27 is respectfully requested.

Independent Claims 1, 9, 17 and 27 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-16, 18-26 and 27-35, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-16, 18-26 and 27-35 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-35, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr